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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,136	09/26/2003	Lalitha Vaidyanathan	1018-001US03	6107
28863	7590	08/11/2006	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			ART UNIT	PAPER NUMBER

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Notification of Non-Compliant Appeal Brief (37 CFR 41.37)</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/672,136 Examiner Janice A. Mooneyham	VAIDYANATHAN ET AL. Art Unit 3629

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 08 June 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1.  The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4.  (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5.  The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi))
6.  The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8.  The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9.  The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10.  Other (including any explanation in support of the above items):  
  
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The requirements under this heading are set forth below:

37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The Examiner notes applicant's discussion starting with the last paragraph on page 4 under the heading of Summary of the Claimed Subject Matter through the first paragraph of page 7. The information provided by the applicant in these paragraphs is not directed to the claimed subject matter. On page 4, applicant identifies independent claim 73 and directs the board to these elements as being best illustrative of the issues presented on appeal. The applicant then describes Figures 1 and 2B. On page 5, applicant states that dependent claims are consistent with this context and require that the claimed electronic marketplace include a database for storing transaction data and provide a web-based interface. The applicant then provides a detailed description of Figure 2B.

On page 7, applicant states that applicant's other independent claims require features similar to claim 73. The applicant then discusses claims 49 and 58 without referencing the specification or the drawings. Claims 58 and 67-69 are method claims. Applicant must provide a concise explanation of the subject matter in each independent claim involved in the appeal. The applicant fails to address independent claims 66-72 although applicant argues these claims (see page 30).. Applicant is required to provide an explanation for each independent claim. Referring to claim 73, a system claim, does not provide a concise explanation of the subject matter in the method claims nor does referencing the structure of the system provide reference for the steps of the method claims.

This section requires a summary of the claimed invention, not a summary of what the Figures show or the specification discloses. The heading has been changed from Summary of the Invention to Summary of the Claimed Invention. Only if applicant has claimed the limitations do they become relevant.

37 CFR 41.37(c)(1)(v) further requires the summary of claimed subject matter to include a concise explanation of the subject matter defined in each of each dependent claim argued separately. Applicant has not provided such a summary for any of the dependent claims. However, applicant argues separately dependent claims 52, 53, 54, 55, 51, 60, 61, 62, 63, 64, and 65..

As of this time, applicant should also note the related notice of appeal filed in application 09/504159. This application is a continuation of 09/504159.